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Letter dated 26 October 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith my second semi-annual report on the implementation of resolution 1559 (2004), pursuant to the request of the Security Council expressed in the presidential statement of 19 October 2004 (S/PRST/2004/36), that I continue to report on the implementation of the resolution to the Council every six months.

(*Signed*) Kofi A. **Annan**

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Second semi-annual report of the Secretary-General to the Security Council on the implementation of resolution 1559 (2004)

I. Introduction

1. The present report is my second semi-annual report to the Security Council on the implementation of resolution 1559 (2004), pursuant to the request of the Council, expressed in the presidential statement of 19 October 2004 (S/PRST/2004/36), that I continue to report on the implementation of the resolution to the Council every six months.

2. In its resolution 1559 (2004), adopted by the Security Council on 2 September 2004, the Council reiterated its strong support for the territorial integrity, sovereignty and political independence of Lebanon. The Council called upon all parties concerned to cooperate fully and urgently with the Security Council for the full implementation of that resolution and all relevant resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon. It also defined a number of operational requirements, among them:

(a) The withdrawal of all remaining foreign forces from Lebanon;

(b) The disbanding and disarmament of all Lebanese and non-Lebanese militias;

(c) The extension of the control of the Government of Lebanon over all Lebanese territory;

(d) Strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon.

The Council also declared its support for a free and fair electoral process in Lebanon's then upcoming presidential election, conducted according to Lebanese constitutional rules devised without foreign interference or influence.

3. In my first report to the Security Council of 1 October 2004 (S/2004/777), I concluded that the requirements set out in the resolution had not been met. In my second report, the first semi-annual report on the implementation of resolution 1559 (2004) (S/2005/272), I stated that as of 26 April 2005, the parties concerned had made significant and noticeable progress towards implementing some of the provisions contained in the resolution, although the requirements of resolution 1559 (2004) had not yet been met.

4. Since my last report to the Security Council of 26 April 2005, the parties concerned have made considerable further progress towards the implementation of resolution 1559 (2004). A number of operational requirements derived from resolution 1559 (2004) have been met, among them the withdrawal of Syrian forces from Lebanon and the conduct of free and fair legislative elections. Others remain to be implemented, particularly the disbanding and disarming of Lebanese and non-Lebanese militias, the extension of government control throughout all of Lebanon and the full restoration and strict respect for the sovereignty, unity, territorial integrity and political independence of Lebanon, most notably through the

establishment of normal diplomatic relations and the demarcation of borders between the Syrian Arab Republic and Lebanon.

II. Background

5. In the six months since my last report of 26 April 2005 (S/2005/272), the situation in Lebanon has remained volatile. There have been a number of worrying developments affecting the stability of Lebanon, particularly in the form of terrorist acts and the illegal transfer of arms and people across the borders into Lebanon.

6. On 2 and 21 June, and 25 September 2005, respectively, several prominent Lebanese figures were targeted by car bombs in Beirut, which killed Samir Qassir and George Hawi and left May Chidiac severely injured. A further assassination attempt was carried out against Lebanon's Minister of Defence, Elias Murr, on 12 July 2005, which left one person dead and several, including the Minister, injured. Further bombings took place on 22 July, 23 August, and 16 September 2005 and left one person dead as well as numerous persons injured.

7. The Security Council unequivocally and strongly condemned these bombings and the continuation of political assassinations and other terrorist acts in Lebanon in presidential statements released on 7 June 2005 (S/PRST/2005/22) and 22 June 2005 (S/PRST/2005/26), as well as in press statements released by the President of the Security Council on 12 July and 28 September 2005. I also condemned in the strongest possible terms the assassinations of Mr. Qassir and Mr. Hawi and the attempted assassinations of Mr. Murr and Ms. Chidiac. In repeated statements, I urged the Lebanese authorities to bring promptly to justice the perpetrators and instigators of those terrorist attacks. As a result of such acts, numerous Lebanese political leaders have chosen to spend prolonged periods of time abroad, in fear for their lives.

8. On 7 May 2005, General Michel Aoun returned after 14 years in exile and formed the Free Patriotic Movement (FPM) to participate in the legislative elections that began on 29 May and concluded after four rounds on 19 June. The elections resulted in a clear victory of a coalition of the Future Movement, led by Saad Hariri, and the Progressive Socialist Party, led by Walid Jumblatt, which gained 72 seats. An alliance of the Amal party and Hizbollah gained 35 seats and FPM, led by Michel Aoun, won 21 of the 128 parliamentary seats.

9. On 19 July, a new Government was formed after intense discussions and negotiations between the political parties and President Lahoud, and not without difficulty, by Prime Minister Fouad Seniora, a former Minister of Finance who belongs to the Future Movement. Mr. Seniora's Cabinet consists of 24 members, including 15 from the Future Movement and 5 representing the Shiite alliance that includes Hizbollah. For the first time, a member of Hizbollah, Mohammed Fneish, obtained a ministerial portfolio as Minister of Water and Energy. On 31 July, the new Government passed the parliamentary vote of confidence comfortably. Earlier, on 18 July, the newly elected Parliament had also approved a motion to pardon Samir Geagea, leader of the Lebanese Forces, who had spent the past 11 years incarcerated.

III. Implementation of resolution 1559 (2004)

10. Since my report of 26 April 2005, there has been considerable further progress towards the implementation of resolution 1559 (2004). A number of operational requirements derived from resolution 1559 (2004) have been met, others have not yet been met.

A. Withdrawal of foreign forces deployed in Lebanon

11. In my report of 26 April 2005, I noted the commitments by the Government of the Syrian Arab Republic to the United Nations fully to withdraw its troops, military assets and the intelligence apparatus from Lebanon. I also referred to the letter of 26 April 2005 to me from the Government of the Syrian Arab Republic, in which it notified me of its full withdrawal from Lebanon, in fulfilment of these commitments and of this requirement under resolution 1559 (2004). I further stated in my report that I had not yet been able to verify the full and complete withdrawal of Syrian troops, military assets and the intelligence apparatus from Lebanon, but that I had, with the agreement of the Governments of the Syrian Arab Republic and Lebanon, dispatched a United Nations mission for the purpose of carrying out such verification.

12. I submitted the report of the United Nations mission to verify the full and complete withdrawal of Syrian forces from Lebanon pursuant to Security Council resolution 1559 (2004) in an annex to my letter of 23 May 2005 (S/2005/331). In its report, the verification team stated that it had "found no Syrian military forces, assets or intelligence apparatus in Lebanese territory," and concluded that "to the best of its ability, with the possible exception of the Deir Al-Ashayr area, the status of which is unclear ..., Syrian troops and military assets have been fully and completely withdrawn from Lebanese territory."

13. The verification team also noted that "the withdrawal of the Syrian intelligence apparatus has been harder to verify because intelligence activities are by nature often clandestine." It drew the conclusion that to the best of its ability, "no Syrian military intelligence personnel remain in Lebanon in known locations or in military uniform," and noted that it was "unable to conclude with certainty that all the intelligence apparatus has been withdrawn."

B. Sovereignty, territorial integrity, unity and political independence of Lebanon

14. In its resolution 1559 (2004), the Security Council placed central emphasis on the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon, reiterating this concern repeatedly. In its presidential statement of 4 May 2005 (S/PRST/2005/17) related to my report of 26 April 2005, the Council underlined the fact that Lebanon's full political independence and full exercise of its sovereignty was the ultimate goal of resolution 1559 (2004).

15. I have continued to assign this matter the highest priority in my efforts and have, out of concern over the continuing volatility of the political and security situation in Lebanon, maintained my very close contact with the Lebanese authorities and senior Lebanese officials. United Nations assistance in a number of fields has been extended or expanded in order to support the efforts of the people

and the Government of Lebanon to reaffirm their sovereignty, unity and political independence.

16. In my report to the Council of 26 April 2005, I identified three elements of particular importance to the restoration of, and strict respect for, the sovereignty, unity and political independence of Lebanon. These were: (a) the eradication of the existence and influence of the Syrian intelligence apparatus in Lebanon; (b) the establishment of mutual diplomatic representations between the Syrian Arab Republic and Lebanon; and (c) the conduct of free and credible parliamentary elections in Lebanon. A fourth element that carries equal significance in this context, which has emerged in the context of the withdrawal of Syrian troops, military assets and the intelligence apparatus, is the need for an agreement between Lebanon and the Syrian Arab Republic on the international border between them and its demarcation on the ground. In addition, I referred to Israeli overflights, which violate Lebanese territorial integrity.

Syrian intelligence apparatus in Lebanon

17. In paragraphs 12 and 13 above, I have concluded that no visible or significant Syrian intelligence presence remains in Lebanon. However, reports have surfaced on occasion, suggesting that Syrian intelligence continued to operate in Lebanon and that the Syrian intelligence apparatus continued to influence events in Lebanon.

18. I therefore urgently directed the United Nations verification team to return to Lebanon and clarify issues regarding the withdrawal of the Syrian intelligence apparatus by liaising with Lebanese officials, including security personnel, and Syrian officials, as well as by meeting Lebanese civilians who might possess relevant information and diplomatic missions and others. The mission deployed from 12 June until 11 July 2005 and reported to me shortly thereafter.

19. The verification team conducted a broad range of consultations and meetings, including with senior Lebanese political figures and security officials, as well as with Syrian security officials. It noted the changing relationship between Lebanon and the Syrian Arab Republic, and that close historical and even family ties as well as the climate of fear, suspicion and rumour prevailing in Lebanon had to be taken into account when assessing reports and rumours of continuing Syrian intelligence activity in Lebanon. The team reported that numerous sources, including ministers, former ministers and security officials, had told it that in their view Syrian intelligence activity was taking place in Lebanon. In its assessment, there were some credible reports of Syrian intelligence activity, but most were exaggerated. It was also the assessment of the team that it was possible that some Syrian intelligence officers had made a few fleeting visits to Lebanon after their withdrawal, and that it was probable that Syrian intelligence officers had made telephone calls to maintain networks of contacts, bolster their influence and subtly manipulate the political environment. However, the extent and purpose of any such activity was difficult to assess. The verification team concluded that, in particular, telephone call activities in the context of the Lebanese elections were not widespread and did not appear to have had a significant impact on the elections.

20. Overall, the team corroborated its earlier conclusion that there was no remaining visible or significant Syrian intelligence presence or activity in Lebanon, though the distinctly close historical and other ties between the Syrian Arab

Republic and Lebanon also had to be taken into account when assessing a possibly ongoing influence of Syrian intelligence in Lebanon.

Establishment of mutual diplomatic representation

21. I have continued my discussions on the issue of the establishment of mutual diplomatic representation with the Governments of the Syrian Arab Republic and Lebanon. Both Governments have reiterated to me their intention to formalize relations between the two countries. On 17 October, Lebanese Prime Minister Seniora assured me that his Government aspired to a relationship between the Syrian Arab Republic and Lebanon "based on equality and mutual respect." The Prime Minister also told me that he favoured the establishment of mutual diplomatic representations between the two countries within the coming period.

22. In this context, I note the complications arising from the lack of a clearly agreed upon and demarcated border between Lebanon and the Syrian Arab Republic, as commented on by the United Nations mission to verify the full and complete withdrawal of all Syrian troops, military assets and the intelligence apparatus from Lebanon. The team noted the presence of a Syrian battalion of troops in the Deir al-Ashayr area and that it could not verify whether that presence was actually located in Lebanon or, as the commander of the battalion stated, inside Syrian territory. I conclude that as part of the formalization of ties between the two countries and in order to guarantee the sovereignty, political independence and territorial unity of Lebanon, there is need for a formal border agreement and demarcation of that border on the ground. I take particular note of Prime Minister Seniora's statement to me on 17 October that talks between the Governments of Lebanon and the Syrian Arab Republic on the demarcation of the border between the two countries, which had originally been initiated in 1964 and were suspended in 1975, had recently re-begun.

23. I expect that the Governments of Lebanon and the Syrian Arab Republic will take tangible measures to formalize ties between the two countries as sovereign and independent nations in the near future and prior to my next report to the Security Council.

Lebanese parliamentary elections

24. In my last report, I identified the conduct of free and credible legislative elections according to constitutional rules devised without foreign interference or influence as a central means of reaffirming the full sovereignty, unity and political independence of Lebanon. I noted that free and credible elections should be held on schedule and in accordance with an electoral law that is broadly accepted by the Lebanese people. I also stated that I had been discussing with the Government of Lebanon the possibility of extending United Nations technical assistance at its request and that I had encouraged the idea that international observers be invited to monitor the elections and was awaiting a request to that effect from the Government of Lebanon.

25. Shortly after my report was issued, the 2000 electoral law, broadly accepted by most Lebanese parties, was adopted as the basis for the conduct of the elections, after Parliament failed to agree on adopting the existing draft law introduced by former Prime Minister Karami's Government. The United Nations received a request for technical electoral assistance from the Government of Lebanon, in

response to which a United Nations team from the Electoral Assistance Division was dispatched to Lebanon on 3 May 2005 to provide technical assistance with the organization of the elections and coordination of electoral observers.

26. The Lebanese parliamentary elections took place in four rounds, beginning on 29 May 2005, two days before the legal term of the sitting Parliament expired. Voting continued until the fourth and final round on 19 June. In a statement released on 20 June, I congratulated the people and Government of Lebanon for their successful elections, which were credible and well-conducted technically, in a free and non-violent environment. The Security Council, in its presidential statement of 22 June 2005 (S/PRST/2005/26), commended the fair and credible character of the vote and paid tribute to the Lebanese people for their strong commitment to democracy, freedom and independence.

27. For the first time in Lebanese history, and in response to a request from the Government of Lebanon, the elections were monitored by more than 100 international electoral observers, among them, most notably, a large European Union Electoral Observer Mission, consisting of short-term and long-term observers and electoral experts. The United Nations remained active throughout the electoral period in extending technical assistance and coordinating the multinational electoral observers.

28. The European Union Observer Mission assessed the whole election process, including the legal framework, the political environment and campaign, electoral preparations, voting and counting as well as the post-election period, and judged that the ballots were "well managed and took place in a peaceful manner within the existing framework for elections." The electoral observers also emphasized that there was a need for urgent reform of the legal and election framework, as provisions on electoral campaigning were lacking, and it was necessary to regulate campaign and financial disclosure. The monitors further noted that some key constitutional provisions, based on the Taif Agreement, had not yet been implemented, including the creation of a bicameral parliamentary system and a reduction of the role of confessionalism in public life. The observers also commented on shortcomings in the field of the election administration and related to the system for voter registration, which was in need of urgent reform.

29. These findings underlined the need for further work to ensure the freedom and credibility of electoral processes in Lebanon. Areas specifically identified include: the system of political representation and the election framework, which should seek to overcome the high significance of confessionalism; the electoral law, which should be devised early and should be inclusive; the delineation of electoral district boundaries in such a way that it serves best the principles of equal vote and adequate political representation; voter registration; the actual ballots; and campaign financing.

30. At the request of the Lebanese authorities, I am maintaining my efforts to assist the Lebanese people in the establishment of an appropriate and enduring legal and institutional framework to ensure free and fair electoral processes in Lebanon. The United Nations continues to assist the Lebanese National Commission, a special panel of pre-eminent personalities appointed by the Government of Prime Minister Seniora in the immediate aftermath of the parliamentary elections to draft a new and permanent electoral law. Despite such ongoing and necessary work to ensure the broad freeness and credibility of electoral processes in Lebanon, I note that the

operational requirement of free and credible elections derived from resolution 1559 (2004) has been met.

Israeli overflights that violate Lebanese territorial integrity

31. Since my report to the Council of 26 April 2005, Lebanese territorial integrity has continued to be violated regularly by Israeli aircraft flying into Lebanese airspace. The Government of Israel continues to maintain its claim that such overflights are carried out for security reasons. My representatives in the region and I have regularly continued to reiterate our call on Israel to cease such overflights.

C. Extension of Lebanese Government control over all Lebanese territory

32. In its resolution 1559 (2004), the Security Council supported the extension of the control of the Government of Lebanon over all Lebanese territory. Moreover, the Council called upon all parties concerned to cooperate fully and urgently with the Security Council for the full implementation of that resolution and all relevant resolutions concerning the restoration of the territorial integrity, full sovereignty and political independence of Lebanon.

33. In my report to the Council of 1 October 2004, I stated that the Government of Lebanon had not extended its control over all of its territory. I reaffirmed this assessment in my report of 26 April 2005.

34. In the past six months, there have again been incidents that underline the fact that the Government of Lebanon does not yet fully exert control over all of its territory.[1] I was particularly concerned when, in early June this year, the Lebanese army appeared to be reducing its presence and control in the south of the country and Hizbollah strengthened its own presence in response. The Lebanese authorities stated to me that measures of a reduced army presence were part of an overall redeployment of the army throughout the country as a result of a reduction in its troop strength from 60,000 to 40,000 troops. After the United Nations had expressed its concern, on 3 July, the Lebanese army re-established its original presence.

35. Along the Blue Line, a fragile calm has continued to prevail during most of the period since my last report, though frequent violations have, in one instance of serious deterioration, led to deaths and injuries. On 29 June, a particularly disconcerting incident, in which Hizbollah and Israel engaged in a heavy exchange of fire, resulted in the death of one Israel Defense Forces soldier, the wounding of four others and the death of two Hizbollah fighters. The Security Council, in a press statement on the incident, reiterated its call on the Government of Lebanon to extend its control over all of its territory, including through the deployment of Lebanese armed forces, to exert its monopoly on the use of force and to put an end to all attacks emanating from its territory. Other such incidents along the Blue Line, which were initiated from inside Lebanese territory, occurred in July and August this year.

36. The Security Council, in its resolution 1614 (2005), called upon the Government of Lebanon to fully extend and exercise its sole and effective authority throughout the south, including through the deployment of sufficient numbers of Lebanese armed and security forces, to ensure a calm environment throughout the

[1] I have described these incidents in more detail in my report on the United Nations Interim Force in Lebanon of 21 July 2005 (S/2005/466).

area, including along the Blue Line, and to exert control and monopoly over the use of force on its entire territory and to prevent attacks from Lebanon across the Blue Line. It also welcomed my intention to discuss with the Lebanese Government the next steps in preparing for an expansion of its authority in the south. I have continued my dialogue with the Lebanese authorities on the matter and am looking forward to the early fulfilment of these obligations. In this context, I am encouraged by the commitment of Prime Minister Seniora's Government to me that it will seek to assert its monopoly on the use of force and exert its control throughout all Lebanese territory through a national dialogue with all relevant parties, and its statement to me that it has begun taking action to that effect.

37. Prime Minister Seniora has also informed me of a recent increased deployment of the Lebanese Armed Forces along the border with the Syrian Arab Republic for the purpose of halting the illegal transfer of arms and people. He has further informed me that the Lebanese Armed Forces had erected checkpoints and increased their presence around positions of armed Palestinian groups to the south of Beirut and in the Beqaa Valley in recent weeks and that the Government of Lebanon had begun a dialogue with such groups on the issue of their arms.

D. Disbanding and disarmament of Lebanese and non-Lebanese militias

38. In its resolution 1559 (2004), the Security Council called for the disbanding and disarmament of all Lebanese and non-Lebanese militias. In my report to the Council of 1 October 2004, I stated that despite the successful efforts of the Government of Lebanon to reduce significantly the number of militias present in Lebanon, several armed elements remained. I reported that the most significant such group was Hizbollah. In my report of 26 April 2005, I noted my ongoing dialogue with some relevant parties on the issue of the disbanding and disarmament of Lebanese and non-Lebanese militias and that the United Nations had not yet reached operational conclusions on that matter. I also recalled that the 1989 Taif Agreement, fully consistent with resolution 1559 (2004) on that matter, called for the disbanding of all Lebanese and non-Lebanese militias and the delivery of their weapons to the Government of Lebanon.

39. Besides Hizbollah, as I stated in my report to the Council of 1 October 2004, there are Palestinian militias in Lebanon. Such armed groups have enjoyed relative autonomy inside Palestinian refugee camps, which the Lebanese authorities do not generally enter. While there has been no fundamental change in the status of such groups, a variety of recent reports has suggested that there has been an increasing influx of weaponry and personnel from Syria to some of these groups. The issue has also been raised with me by a number of senior Lebanese and other officials. The Government of the Syrian Arab Republic has informed me that the smuggling of arms and people across the Syrian-Lebanese border did indeed take place, albeit in both directions.

40. The Government of Lebanon has informed me that it had undertaken significant measures towards restricting such an influx of arms and people and the free movement of weaponry and armed elements to and from the Palestinian refugee camps in Lebanon in recent weeks, in particular since the end of September 2005. The Lebanese Armed Forces enhanced their deployment along the border with the Syrian Arab Republic and increased both mechanized and foot patrols. The Government of Lebanon has also informed me that the Lebanese Armed Forces had further increased their presence, erected new checkpoints and tightened controls

around positions of Palestinian armed groups headquartered in the Syrian Arab Republic to the south of Beirut and in the Beqaa Valley. On 7 October, the Lebanese army conducted raids against posts held by Syrian-headquartered Palestinian armed groups in the Beqaa Valley, in the course of which weapons were seized. The Government of Lebanon has informed me that the Lebanese Armed Forces had also detained and deported a number of infiltrators of Palestinian origin who carried Syrian identification documents.

41. I have taken note of the assurance of the Government of Lebanon that "there is no need for weapons outside the [Palestinian] refugee camps, which do not serve the Palestinian cause and are not accepted by the Lebanese," as first stated by Prime Minister Seniora on 7 October. Mr. Seniora has further underlined to me his resolve to continue the internal dialogue to achieve the disarmament of Palestinian armed groups peacefully, without confrontation with those groups. On 13 October, the Council of Ministers unanimously approved the position of the Prime Minister to "reject any armed Palestinian presence outside Palestinian refugee camps." The Prime Minister has informed me that he would also, as a first step, seek to establish order and control on such armed Palestinian groups inside the camps.

42. In this context, I have also taken particular note of Prime Minister Seniora's "call on the Syrian leadership to practice in this case the necessary self-restraint through its ties with Palestinian factions." I have further taken note of Prime Minister Seniora's commitment that the Lebanese State and its security institutions had the duty to guarantee the security of the people, citizens and guests, including the Palestinians. It is also noteworthy that other senior Lebanese representatives, such as former Prime Minister Najib Miqati, have stated that "there should not be any weapons either inside the camps or outside them."

43. In a public statement, issued on 4 October in Damascus, the Syrian-headquartered Popular Front for the Liberation of Palestine-General Command (PFLP-GC) strongly objected to the insistence of "certain sides in the Lebanese Government" on "dealing with the question of Palestinian arms from a narrow security angle ... to hastily enforce resolution 1559 (2004)." In its statement, PFLP-GC rejected the implementation of resolution 1559 (2004), stating that "the attempt to sacrifice the weapons of the Palestinians of Lebanon in line with resolution 1559 (2004) will not be greeted with silence or compromise," and asserting that Prime Minister Seniora would bear "direct responsibility for the hostile measures against our Palestinian people taken under the cover of a political and media campaign of disinformation." On 7 October, in response to the full alert raised for the Lebanese Armed Forces, Palestinian armed groups went on a similar alert.

44. On 8 October 2005, Prime Minister Seniora conducted historic talks, the first of their kind, with representatives of Palestinian groups in Lebanon on the issue of their arms. The Palestinian groups attended separate talks in two delegations. The first group represented the factions belonging to the umbrella Palestine Liberation Organization (PLO). Members of this delegation agreed with the Prime Minister to "initiate the organization of the armed Palestinian presence in the camps to guarantee security." Prime Minister Seniora reached agreement with members of the second delegation, which consisted of armed Palestinian groups headquartered in Damascus,[2] to create a follow-up committee to discuss all issues, including the issue

[2] These include PFLP-GC, Hamas, Islamic Jihad and Al-Saiqa.

of arms. On 13 October, the Lebanese Cabinet, having unanimously approved the Prime Minister's position, decided to establish such a commission, with the aim of resolving through dialogue the question of Palestinian arms inside the camps.

45. I have maintained close contact with the leadership of PLO and the Palestinian Authority, which has assured me of its support for the full implementation of all the provisions of resolution 1559 (2004). PLO Chairman and President of the Palestinian Authority Mahmoud Abbas has stated publicly that the position taken by some of the Palestinian groups does not reflect the PLO stance, emphasizing that the Palestinians were "guests in Lebanon," respecting "Lebanon's laws and security." President Abbas has also stated to me that "the illegal transfer of substantial quantities of weapons into the refugee camps through certain Palestinian groups puts Lebanon at risk and is unhelpful to the Palestinian cause." In this context, I also note that President Abbas has referred to the Palestinian Authority's request to establish a Palestinian diplomatic mission in Beirut, which would contribute to the formalization of relations between the Lebanese and the Palestinian peoples. I fully support this initiative.

46. At my behest, Prime Minister Seniora and President Abbas met on 18 October in Paris to discuss issues related to the presence of the Palestinian refugees in Lebanon. In a joint statement, the two leaders underlined the need to respect the sovereignty and political independence of Lebanon and Lebanese law and security requirements. They expressed their grave concern over the illegal transfer of arms and people to Palestinian groups in Lebanon, which they considered to have a negative impact on the sovereignty and political independence of Lebanon and to be unhelpful to the Palestinian cause. In the statement, President Abbas also expressed his full support for the measures taken in recent weeks by the Government of Lebanon to ban the carrying of arms outside the Palestinian refugee camps, to halt illegal transfers of arms and people and to assert its monopoly on the use of force and exert its control over all of its territory. President Abbas and Prime Minister Seniora further discussed the establishment of a Lebanese-Palestinian dialogue on the social and economic welfare, security and representation of Palestinian refugees in Lebanon. The two leaders underlined the fact that such a dialogue had to lead to the full implementation of the relevant provisions of the Taif Agreement and all Security Council resolutions related to the arms of Palestinian militias in Lebanon, albeit without confrontation between the Lebanese authorities and the Palestinian groups. The two sides agreed to continue their dialogue with a view to strengthening their bilateral relations in such a way that they would come to establish mutual diplomatic representations.

47. There has not been any noticeable change in the operational status and capabilities of Hizbollah, which, according to its own leadership, has more than 12,000 missiles at its disposal.[3]

48. Many Lebanese continue to maintain that Hizbollah is in fact not a militia, but a "legitimate resistance movement," fighting for the liberation of the Shebaa farms area from Israeli occupation. This interpretation of the status of the Shebaa farms, as I have repeatedly outlined not only in my previous reports on the implementation of resolution 1559 (2004) but also elsewhere, continues to stand in stark contrast to the position of the United Nations (see annex). I confirmed in my report to the Security

[3] Hizbollah Secretary-General Sheikh Nasrallah in his speech on the occasion of the "Day of Resistance and Liberation," in Bint Jubayl, on 25 May 2005.

Council of 16 June 2000 (S/2000/590) that Israel had fulfilled as of that date the requirements of Security Council resolutions 425 (1978) and 426 (1978) that it "withdraw its forces from all Lebanese territory". The Council endorsed this conclusion in the statement of its President (S/PRST/2000/21) of 18 June 2000. Both the Council and I have repeatedly stated the position that the Shebaa farms area is not part of Lebanon. Therefore, any Lebanese "resistance" to "liberate" the area from continued Israeli occupation cannot be considered legitimate. In addition, even if the Lebanese claim to the Shebaa farms area were legitimate, it would be the responsibility of the Government of Lebanon only to address this claim in conformity with international law and relevant Security Council resolutions.

49. The Government of Lebanon has assured me that it remains committed to the implementation of all provisions of resolution 1559 (2004), but that it requires time. Prime Minister Seniora has informed me in particular that the provision of the resolution relating to the disarming and disbanding of militias is subject to an internal dialogue, which he has recently initiated and is committed to lead to its successful conclusion. In this context, Prime Minister Seniora has requested the continued assistance and support of the United Nations for such a domestic dialogue to resolve the issue of Lebanese and non-Lebanese militias in Lebanon fully consistent with the Taif Agreement.

50. It is noteworthy that the Government of Lebanon has chosen to include Hizbollah, which, as I outlined in my previous report on the implementation of resolution 1559 (2004), also operates as a political party, in the Cabinet. For the first time ever, a member of Hizbollah holds a ministerial portfolio. It is further noteworthy that the leaders of Hizbollah have spoken of their readiness "for any internal discussion, any guarantees and any solutions that would keep the efficiency and ability of the resistance to deter and protect. The details will be left to discussion ... This is a Lebanese affair related to our destiny and it is an issue of concern to us all. Therefore, let us sit and discuss things."[4] While the inclusion of Hizbollah in the Government and such recent statements by the group's leadership underline the significance of an internal dialogue and of the possible transformation of Hizbollah from armed militia to political party, it should be noted that operating as a political party and as a militia is contradictory. The carrying of arms outside the official armed forces is impossible to reconcile with the participation in power and in government in a democracy.

51. I have continued my dialogue with the relevant non-Lebanese parties on the matter of the disarming and disbanding of Lebanese and non-Lebanese militias. This dialogue will continue.

IV. Observations

52. In a reflection of continued instability and volatility, Lebanon was subjected to 14 bombings within one year since last October. Such acts of terror and intimidation, which form a pattern of onslaught not only against Lebanese citizens, but also against the principles of a democratic, open society that includes the freedom of the press, must stop. Fortunately, terror, in the form of bombings, assassinations and attempted murders, has not succeeded in destabilizing Lebanon.

[4] Hizbollah Secretary-General Sheikh Nasrallah in his televised speech on the occasion of the "Day of Resistance and Liberation," in Bint Jubayl, on 25 May 2005.

jeopardizing the holding of free and credible parliamentary elections, or undermining the national unity or political independence of Lebanon.

53. Since my report to the Council of 26 April 2005, the parties concerned have made considerable further progress towards the implementation of resolution 1559 (2004). The requirements of the withdrawal of Syrian troops and military assets, as well as of the conduct of free and credible legislative elections, have been met. Progress has also been made through ongoing work on broader electoral reforms, with the assistance of the United Nations. The issue of the disbanding and disarming of all Lebanese and non-Lebanese militias is now under discussion in an internal dialogue among the Lebanese and between the Lebanese and the Palestinians. I am encouraged by my dialogue with the Government of Lebanon on the extension of its control over all of Lebanon's territory. Tangible results are yet to be achieved in these two fields and I will continue my efforts in this regard.

54. In the aftermath of the withdrawal of the Syrian Arab Republic from Lebanon, this is also a time when the redefinition of the relationship between the two historically close neighbours has only just begun. The formalization of ties in the coming period will be of great significance and will manifest the progress the parties are continuing to make towards the full restoration of and respect for Lebanon's sovereignty, territorial integrity, unity, and political independence.

55. Unfortunately, complications have also arisen from the lack of a clearly agreed upon and demarcated border between Lebanon and the Syrian Arab Republic, and have highlighted the need for a formal border agreement and demarcation of that border on the ground between the two countries. There were not only difficulties related to the verification of the full Syrian withdrawal, given the presence of a Syrian army battalion at Deir al-Ashayr at a location that the United Nations found impossible to determine as Lebanese or as Syrian territory. There have also been difficulties related to the control of the borderline between Lebanon and the Syrian Arab Republic and the issue of the illegal transfer of arms and people towards armed Palestinian groups in Lebanon, which has threatened to cast a shadow on the efforts aimed at bolstering Lebanon's sovereignty, territorial integrity, unity and political independence. I reiterate my expectation that a formalization of bilateral relations would contribute significantly to alleviate such concerns. I welcome Prime Minister Seniora's statement to me on 17 October that he favours the establishment of mutual diplomatic missions and that bilateral talks on the issue should resume as soon as possible.

56. Lebanon is witnessing a momentous transition. Events that have taken place in the country since 3 September 2004 have led the people of Lebanon to pierce the wall of silence and speak out loudly and clearly. Taboos of the past have been broken and matters previously too sensitive to discuss openly are now the subject of open debate. Over the past six months, with the first parliamentary elections held after Syria's withdrawal from Lebanon and the formation of a new Government, Lebanon has entered a new phase in its history, a phase that has the potential for the Lebanese finally to leave behind a tragic past, to unite and to shape a new future of self-determination, independence, coexistence and peace.

57. All parties require tolerance and time for adjustment to the new circumstances. In this context, it is a positive development that the Lebanese authorities and the international community, through the Core Group on Lebanon that comprises the United Nations, as well as Egypt, Saudi Arabia, the European Commission, the

World Bank, the United States of America, France, the United Kingdom, Italy, the Russian Federation and the European Union, have begun working together closely in order to implement the plans of the Government of Lebanon for political, economic and institutional reforms in Lebanon, with the aim of promoting stability in Lebanon and in the region as a whole. The United Nations remains steadfastly committed to support the reform process, to assist in the further development of democratic institutions, and to work hand in hand with the Lebanese Government and people for the purpose of reaffirming Lebanon's sovereignty, unity and political independence.

58. I was greatly concerned when shortly after the withdrawal of Syrian troops, military assets and the intelligence apparatus, the Syrian Arab Republic closed its border with Lebanon to Lebanese truck drivers. The closure of the border had considerable effects on the Lebanese economy, which remains in a difficult situation and can only recover with the help of all regional and international partners of Lebanon. I was relieved when the Governments of the Syrian Arab Republic and Lebanon resolved the crisis after a few weeks.

59. The Lebanese Armed Forces now have to show that they can maintain effective security throughout the country at a time when the size of the army is being reduced significantly. In this context, I took positive note of an increase in operations and a more visible presence of the Lebanese armed forces at the beginning of June 2005, in the context of the parliamentary elections in the south. Lebanese forces intervened on a few occasions to control demonstrations and prevent protestors from approaching the Blue Line. I have also taken note of the recent increased presence and engagement of the Lebanese Armed Forces in areas where there are armed Palestinian groups. These are positive steps towards the extension of the control of the Government of Lebanon over all of its territory and the exercise of the Government's monopoly on the use of force throughout its territory. However, as I have stated previously, more needs to be done to meet the Security Council's call for concrete measures to ensure the return of effective governmental authority throughout the south of Lebanon, including through the deployment of additional Lebanese armed forces, and the extension of governmental control throughout all of Lebanon.

60. It should also be noted that in the aftermath of the withdrawal of the Syrian military and intelligence presence, the Lebanese security and intelligence services need to regain public confidence. In this context, I note that the Lebanese authorities have undertaken steps to appoint new permanent, professional directors-general who can enjoy the trust of the public and to change personnel, culture, training and equipment. It will take years to accomplish the full transition to a new security and intelligence service environment, but I note that a start has been made, with the appointments approved by the Lebanese Council of Ministers on 4 October. I also note, in particular, Prime Minister Seniora's statement in a parliamentary session on security issues on 5 October, in which he declared his Government's intention to set up "a secure State, not a security State. ... The Lebanese have the right to feel secure at last, after 30 years of security and political tensions."

61. While an internal dialogue on the issue of the arms of Lebanese and non-Lebanese militias in Lebanon has begun, there remain a number of fundamental concerns. As I have noted, a group engaged in the democratic political process of opinion formation and decision-making cannot simultaneously possess an

autonomous armed operational capacity outside the authority of the State. More broadly, the existence of armed groups defying the control of the legitimate Government, which by definition is vested with a monopoly on the use of force throughout its territory, is incompatible with the restoration and full respect of the sovereignty, territorial integrity, unity and political independence of the country.

62. I am encouraged by the design of a formal mechanism of internal dialogue on the issue of the arms of Palestinian militias in Lebanon and the recent historic summit between Prime Minister Seniora and President Abbas. The two leaders laid the foundations for a continued dialogue between Lebanon and the Palestinians, which in my view manifests an important step towards overcoming with finality a difficult past and towards the reassertion of Lebanon's sovereignty and political independence. I strongly support the formalization of the Lebanese-Palestinian dialogue through the creation of a regular bilateral committee leading to formal diplomatic relations. I also look forward to the formalization of the ongoing domestic dialogue on the issues of the arms of Lebanese militias and their disbanding. I am committed to lending United Nations assistance to both these dialogues in response to Prime Minister Seniora's request to me.

63. Although important progress has been made, I will continue to assign the matter of the full restoration of the sovereignty and political independence of Lebanon the highest priority in my efforts to assist the parties in the implementation of resolution 1559 (2004) in the coming months. In particular, I will focus on working with the Lebanese authorities on the complete exercise of governmental control and authority throughout all of Lebanon, unchallenged by the existence of independent and unsupervised Lebanese and non-Lebanese groups.

64. I reiterate my urgent appeal to all parties concerned to comply with all requirements of resolution 1559 (2004) without delay and to implement fully this and all other resolutions related to the restoration of the territorial integrity, full sovereignty and political independence of Lebanon, in particular resolution 1614 (2005).

65. I continue to believe that the implementation of resolution 1559 (2004) should proceed in a way that would best ensure the stability and unity of Lebanon, the Syrian Arab Republic and the wider region. In this context, I also remain committed to the implementation of all Security Council resolutions and the ultimate achievement of a just, lasting and comprehensive peace in the Middle East.

66. I remain at the disposal of the Security Council and stand ready to continue to assist the parties in the full implementation of resolution 1559 (2004).

Annex

1. Notified by the Israeli Government of its intention to withdraw from south Lebanon and to implement fully its requirements under Security Council resolutions 425 (1978) and 426 (1978), I submitted to the Council a report dated 22 May 2000 (S/2000/460), which set out the requirements for the full implementation of resolutions 425 (1978) and 426 (1978).

2. I noted in that report that I had consulted a total of 81 maps, 25 of them issued by the Governments of Lebanon and the Syrian Arab Republic, and that I had in my possession 10 maps issued after 1966 by various Lebanese Government institutions, including the Ministry of Defence and the army, all of which placed the farmlands in question inside Syrian territory, except one Lebanese map of 1966 of questionable authenticity. In addition, I noted that the area under discussion had consistently fallen within the scope of the area of operations of the United Nations Disengagement Observer Force (UNDOF) since 1974, which had not been contested by any party and did not even change when the United Nations Interim Force in Lebanon (UNIFIL) was established in 1978.

3. As a result of legal, cartographic and historical evidence, I, while noting that the area was occupied by Israel and was therefore subject to Security Council resolutions 242 (1967) and 338 (1973), concluded that the Shebaa farms area claimed by Lebanon could, "without prejudice to any internationally recognized border agreement that Lebanon and the Syrian Arab Republic may wish to conclude in the future," not be considered Lebanese territory. I then submitted a report to the Council dated 16 June 2000 (S/2000/590), in which I concluded that Israel had met the requirements defined and that Israeli forces had withdrawn from Lebanon in compliance with resolution 425 (1978), that is, from all Lebanese territory.

4. The Security Council endorsed this conclusion in a statement made by its President, on behalf of the Council, on 18 June 2000 (S/PRST/2000/21).

5. In a letter to me dated 12 June 2000 (S/2000/564), Lebanese President Lahoud outlined Lebanon's position regarding the Blue Line and wrote:

> "In connection with the Shebaa farmlands, it is clear from the report of the Secretary-General that a de facto line has been adopted for the area in light of the fact that there are no old maps that can confirm the boundary there between Lebanon and Syria. Accordingly, the de facto line is the line separating the areas of operation of UNIFIL and UNDOF, while the United Nations notes that this line can in no way be regarded as affecting the rights of the parties concerned with respect to their international boundaries.
>
> "Lebanon has accepted this assessment until such time as a joint formula for the farmlands area can be agreed by Lebanon and Syria for submission to the United Nations."

6. On a number of occasions, the Security Council has reiterated its confirmation of Israel's withdrawal from all Lebanese territory.